

*STATE OF CALIFORNIA
REGIONAL WATER QUALITY CONTROL BOARD
SAN DIEGO REGION*

AGENDA

*Wednesday, February 9, 2005
9:00 a.m.*

<p>Water Quality Control Board Regional Board Meeting Room 9174 Sky Park Court San Diego, California</p>

The Regional Board requests that all lengthy comments be submitted in writing in advance of the meeting date. To ensure that the Regional Board has the opportunity to fully study and consider written material, comments should be received in the Regional Board's office no later than 5:00 P.M. on Wednesday, January 26, 2005, and should indicate the agenda item to which it is applicable. If the submitted written material is more than 5 pages or contains foldouts, color graphics, maps, etc., 20 copies must be submitted for distribution to the Regional Board members and staff. Written material submitted after 5:00 P.M. on Wednesday, February 2, 2005 will not be provided to the Regional Board members and will not be considered by the Regional Board. ***PLEASE NOTE THAT SOME ITEMS ON THE AGENDA MAY HAVE BEEN PREVIOUSLY NOTICED WITH EARLIER DEADLINES FOR SUBMITTING WRITTEN COMMENTS. IN THOSE CASES THE EARLIER DEADLINES APPLY.***

Comments on agenda items will be accepted by E-mail subject to the same conditions set forth for other written submissions as long as the total submittal (including attachments) does not exceed five printed pages in length. E-mail must be submitted to: rb9agenda@waterboards.ca.gov to insure consideration by the Regional Board. Type the word "Agenda" in the subject line.

Pursuant to Title 23, California Code of Regulations, Section 648.4, the Regional Board may refuse to admit written testimony into evidence if it is not submitted to the Regional Board in a timely manner, unless the proponent can demonstrate why he or she was unable to submit the material on time or that compliance with the deadline would create an unreasonable hardship.

NOTE C, attached to this Notice, contains a description of the hearing procedures that will be followed by the Regional Board. Hearings before the Regional Board are normally conducted using procedures that do not include cross-examination. Parties requesting use of more formal procedures must do so in accord with the directions in NOTE C. Any such request, together with supporting material, must be received in the Regional Board's office no later than 5:00 P.M. on Wednesday, January 26, 2005.

Except for items designated as time certain, there are no set times for agenda items. Items may be taken out of

order at the discretion of the Chairman.

1. Roll Call and Introductions
2. PUBLIC FORUM: Any person may address the Regional Board at this time regarding any matter within the jurisdiction of the Board which is not on the agenda. Submission of information in writing is encouraged. **Presentations will be limited to three minutes.**
3. Minutes of Board Meeting: December 8, 2004.
4. Recognition: Resolution of Appreciation for Gary Stephany and Vickie Butcher (tentative Resolution Nos. R9-2005-0012 and R9-2005-0014) (*John Robertus*)

Consent Calendar: Items 5 through 8 are considered non-controversial issues. (NOTE: If there is public interest, concern or discussion regarding any consent calendar item or a request for a public hearing, then the item(s) will be removed from the consent calendar and considered after all other agenda items have been completed)

5. NPDES Permit Renewal: Culligan Water Conditioning of La Jolla, Inc., San Diego County (tentative Order No. R9-2005-0007, NPDES Permit No. CA0107450) (*Tony Felix*)
6. Revision of Waste Discharge Requirements: Eastern Municipal Water District, Temecula Valley Regional Water Reclamation Facility, Riverside County (tentative Addendum No. 1 to Order No. 2000-165) (*Charles Cheng*)
7. Rescission of Waste Discharge Requirements: Order No. 97-12, Pima Gro Systems Inc., Riverside County (tentative Order No. R9-2005-0004) (*Robert Morris*)
8. Rescission of Waste Discharge Requirements:
 - a) Order No. 99-14, Southwest Marine Inc., San Diego County
 - b) Order No. 2001-190, Port of San Diego, San Diego County
 (tentative Order No. R9-2005-0028) (*Dat Quach*)

Remainder of the Agenda (Non-Consent Items):

9. Basin Plan Amendment: Consider adoption of a Tentative Resolution to amend the Water Quality Control Plan for Total Nitrogen and Total Phosphorus Total Maximum Daily Loads for Rainbow Creek, San Diego County. The Board previously received public testimony and comments on the Tentative Resolution and this item is scheduled for Board deliberation and adoption only. (Tentative Order No. R9-2005-0036) (*Alan Monji*)
10. Basin Plan Amendment: Consider adoption of a Tentative Resolution to amend the Water Quality Control Plan for the San Diego Region to incorporate a Total Maximum Daily Load for Dissolved Copper in Shelter Island Yacht Basin, San Diego Bay. The Board previously received public testimony and comments on the Tentative Resolution and this item is scheduled for Board deliberation and adoption only. (Tentative Order No. R9-2005-0019) (*Lesley Dobalian and Christina Arias*)
11. NPDES Permit Renewal: University of California, Scripps Institution of Oceanography, San Diego County (tentative Order No. R9-2005-0008, NPDES Permit No. CA0107239) (*Paul Richter*)

12. Chairman's, Board Members', State Board liaison's and Executive Officer's Reports: These items are for Board discussion only. No public testimony will be allowed, and the Board will take no formal action.

13. *Executive Session* - Discussion of Ongoing Litigation

The Regional Board may meet in closed session to discuss ongoing litigation for the following cases:

People of the State of California Ex Rel. the Regional Water Quality Control Board, San Diego Region v. City of San Diego, U.S. District Court, Southern District of California, Case No. 03CV1381-B(POR) (*David Hanson*); and the related case:

San Diego BayKeeper and Surfrider Foundation, San Diego Chapter v. City of San Diego; U.S. District Court, Southern District of California; Case No. 01-CV-0550-B (POR) (*David Hanson*)

WILLIAM P. JOHNSON, an individual; and VAIL LAKE USA, LLC, a California limited liability company v. REGIONAL WATER QUALITY CONTROL BOARD – SAN DIEGO, a State of California board and DOES 1-50. Superior Court of the State of California for the County of San Diego, Case No. GIC815227; Petition for Writ of Mandate and Complaint for Damages in regards to Administrative Civil Liability Order No. R9-2002-0027 for violations of the statewide Construction Storm Water Permit, Order No. 99-08-DWQ. (*Frank Melbourne*)

Building Industry Association of San Diego County, et al. v. California State Water Resources Control Board and Regional Water Quality Control Board, San Diego; In the Court of Appeal of the State of California, Case No. GIC 780263 (*Phil Hammer*)

Divers' Environmental Conservation Organization v. State Water Resources Control Board, San Diego Superior Court, Case No. GIC819689. Petition for Writ of Mandate challenging waste discharge requirements for U.S. Navy, Naval Station San Diego based on absence of numeric effluent limits for toxic pollutants in discharges of storm water. (*Paul Richter*)

Schutte & Koerting, Inc. and Ametek, Inc. v. California State Water Resources Control Board and Regional Water Quality Control Board, San Diego Region. San Diego Superior Court, Case No. GIC 822750. Verified Petition for Writ of Mandate for Breach of Contract.

Schutte & Koerting, Inc. and Ametek, Inc. v. California State Water Resources Control Board and Regional Water Quality Control Board, San Diego Region. San Diego Superior Court, Case No. GIC 824706. Verified Petition for Writ of Mandate for Breach of Contract.

Schutte & Koerting, Inc. and Ametek, Inc. v. California State Water Resources Control Board and Regional Water Quality Control Board, San Diego Region. San Diego Superior Court, Case No. GIC 824707. Complaint for Breach of Contract, Specific Performance, Intentional Misrepresentation, Bad Faith Denial of Existence of Contract, Compensatory Damages, Exemplary Damages and for Declaratory Judgment, Request for Jury Trial.

14. *Executive Session* - Consideration of Initiation of Litigation

The Regional Board may meet in closed session to consider initiating criminal prosecution against persons who are alleged to have violated the Porter-Cologne Water Quality Control or the federal Clean Water Act.

15. *Executive Session* - Discussion of Pending Litigation
The Regional Board may meet in closed session to discuss pending litigation.
16. *Executive Session* - Personnel
The Regional Board may meet in closed session to consider personnel matters involving exempt employees [Authorized under Government Code Section 11126(a)]
17. Election of Chair and Vice Chair. Porter-Cologne Water Quality Control Act, Chapter 4, Article 2, paragraph 13220(b), Each regional board shall select one of its members as chairman at the first regular meeting held each year.
18. Arrangements for Next Meeting and Adjournment
Wednesday, March 9, 2005 - 9:00 a.m.
Water Quality Control Board
Regional Board Meeting Room
9174 Sky Park Court
San Diego, California

Notifications

A. The San Diego RWQCB reviewed the “Revised Final Corrective Action Plan for Underground Storage Tank Site 1575 at Marine Corps Base Camp Pendleton” prepared by Battelle and dated October 2002. Based on a feasibility study, the consultant recommends no further action for soils and the performance of quarterly ground water monitoring to assess plume stability and mobility. This public notice fulfills the Regional Board’s public participation obligation outlined in the California Code of Regulations, Title 23, Division 3, Chapter 16, Article 11, Section 2728. Provided no significant issues arise during the public notification process, the RWQCB will notify the Base of our acceptance of the consultant’s recommendation for future environmental activities at the site. (*Beatrice Griffey*)

B. On December 22, 2004, the Executive Officer issued Order No. R9-2004-0455, a Cleanup and Abatement Order issued to the California Department of Parks and Recreation for the Goat Canyon Enhancement Project. The Order was issued to correct an ongoing condition of inadequate sediment and erosion controls, resulting in the discharge of sediment and sediment-laden water to Tijuana Estuary. The Order requires the California Department of Parks and Recreation to immediately initiate efforts to abate the potential effects of threatened discharges of wastes and to immediately comply with all requirements of the State Board Construction Storm Water Permit No. 99-08-DWQ. (*Kristin Schwall*)

C. On December 27, 2004, the Executive Officer rescinded Cleanup and Abatement Order No. R9-2004-0283, issued to the San Diego Unified School District for the unauthorized discharge of waste into an unnamed tributary of Chollas Creek at the Brooklyn/Kimbrough Area Elementary School construction site. The San Diego Unified School District has completed the removal of discharged waste from the tributary and adjacent banks; have implemented erosion and sediment controls; and have implemented restoration of the impacted area. (*Phil Hammer*)

D. On August 16, 2004, the Regional Board issued Addendum No. 2 to Cleanup and Abatement Order No. R9-2002-0340, Redhawk Shell, 44260 Redhawk Parkway, Temecula, CA. Addendum No. 2 amends Directive 2 by removing the requirement to monitor for Total Petroleum Hydrocarbons as diesel in future groundwater monitoring events. (*Sue Pease*)

E. On December 13, 2004, the Regional Board issued Addendum No. 7 to Cleanup and Abatement Order No. 99-26, Former Santa Ysabel Chevron Service Station, 30350 Highway 78, Santa Ysabel, CA. Addendum No. 7 adds Directives 77 to 81 to CAO No. 99-26. Directive 77 requires implementation of interim remedial action by April 4, 2005 and quarterly updates of progress of remedial action to be included in each quarterly report. Directive 78 changes the sampling frequency for monitoring well MW22 and production wells Q3, B6 and B7 from yearly to quarterly beginning with the 1st Quarter 2005. Directive 79 requires well B14 to be sampled and the results included in the 1st Quarter 2005 report. Directive 80 requires updates to the Preliminary Site Conceptual Model to be included in quarterly reports. Directive 81 requires graphs of water quality data that are acceptable to the Regional Board and appropriate statistical evaluation of such data to be included in each quarterly report. (*Sue Pease*)

DIRECTIONS TO REGIONAL BOARD MEETING

Regional Water Quality Control Board
9174 Sky Park Court, Suite 100
San Diego

- From Downtown: I-15 north - take the Aero Drive exit - turn left (west). Proceed to the 3rd stoplight, which is Ruffin Road – turn right. Turn left on Sky Park Court (stoplight). Our building is located at the end of the court – veer to the right into the parking lot.
- From the North: I-15 south - take the Balboa Ave. exit - turn right (west). Proceed to the 2nd stoplight, which is Ruffin Road – turn left. Turn right on Sky Park Court (stoplight). Our building is located at the end of the court – veer to the right into the parking lot.